



09-28-09 IFW DAC
Attorney Docket No. 3800073.00002 / 911

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manuel Vega *et al.* Art Unit : 1631
Serial No. : 10/022,249 Examiner : Jerry Lin
Filed : December 17, 2001 Conf. No. : 7196
Cust. No. : 77202
Title : HIGH THROUGHPUT DIRECTED EVOLUTION BY RATIONAL
MUTAGENESIS

Mail Stop OFFICE OF PETITIONS / OPLA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT AT ALLOWANCE
PURSUANT TO COMMENT 43 OF THE FINAL RULE


Dear Sir:

On the basis of good faith and candor, Applicant would like to bring the Office's attention to the Patent Term Adjustment (PTA) calculation included in the *Notice of Allowance and Determination of Patent Term Adjustment*, mailed August 13, 2009, for the above-referenced application, which indicates the PTA is 76 days. This PTA may be longer than appropriate.

Please review the Patent Term Adjustment History and calculations, with attention to the *Supplemental Information Disclosure Statement* filed March 02, 2007, after the *Response to Non-Final Action* filed November 22, 2006, regarding Applicant delay days. The Office's Patent Term Adjustment calculating system does not differentiate *Supplemental Information Disclosure Statements* filed in accordance with 37 C.F.R. § 1.97(e), which include certifying statements under 37 C.F.R. § 1.56(c). This statement certifies three months, and not the non-extendable thirty-day period allowed under 37 C.F.R. § 1.704(d).

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Date of Deposit: September 24, 2009

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Issue Fee, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.


Jon Levy

Applicant: Manuel Vega, *et al.*

Serial No. 10/022,249

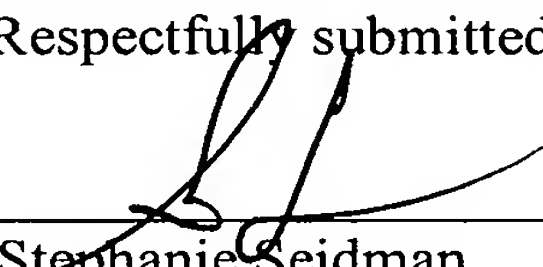
Letter Regarding Patent Term Adjustment at Allowance Pursuant to Comment 43 of the Final Rule

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Applicant also requests review of the calculations from the *Response After Non-Final Action*, received November 22, 2006, the May 09, 2007 mailing of the *Final Rejection*, which was accorded 48 PTO delay days, the subsequent granting of the *Petition to Remove Finality*, the *Letter Withdrawing/Vacating Office Action* entered August 29, 2007, and the August 30, 2007 mailing of the *Non-Final Rejection*, in accordance with the petition decision.

Applicant believes that no fee is due at this time. However, to the extent that the vacated action would allow for more total Patent Term Adjustment deem this a *Request for Patent Term Adjustment to Pursuant to 37 C.F.R. §1.705(b)*, please charge any fees due to Deposit Account No. 02-1818 accordingly.

Respectfully submitted,



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